IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5724 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHAILALBHAI HARIBHAI PATEL

Versus

COMPETENT AUTHORITY AND ADDITIONAL COLLECTOR

Appearance:

MR SK BUKHARI for Petitioner

Mr. I.M.Pandya AGPfor Respondent No. 1

MR JITENDRA M PATEL for Respondent No. 3

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 12/10/2000

ORAL JUDGEMENT

Learned advocate Mr. Bukhari is apearing for the petitioners. Learned AGP Mr. Pandya is appearing for the respondent authorities.

In this petition, rule was issued by this court on 10.12.1996. In this petition, the petitioners are challenging the order dated 28.2.1994 passed by respondent No.2. Today, when the matter has been taken up for final hearing, learned AGP Mr. Pandya has placed on the record of this petition letter dated 6.7.2000 issued by the competent authority and additional collector, Baroda according to which, the respondent authority has passed the order under sec. 8(4) dated 30th October, 1984 and thereafter, no further proceedings have been initiated by the competent authority under section 10(1) to 10(6) of the Act. It is also made clear in the said letter that the posession of the excess land in question has not been taken over by the State Government and request has been made that the further orders may be passed considering the effect of the Repeal Act, 1999.

The Urban Land (Ceiling and Regulation)Act,1976 has been repealed by the Urban Land (Ceiling and Regulation) (Repeal) Act, 1999 as adopted by the Gujarat State Legislative Assembly as per the resolution dated 30th March, 1999 passed under Article 252 (2) of the Constitution. In view of the provisions of the aforesaid Repeal Act, the orders impugned in the present petition do not survive and all the proceedings under the Urban Land (Ceiling and Regulation) Act,1976 in respect of the land in question as well as the present petition have abated.

The petition is accordingly disposed of as having abated. Rule is discharged. There shall be no order as to costs.

12.10.2000 (H.K. Rathod,J.)

Vyas